

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License)
to Conduct Gambling Activities of:) NO. CR 2011-00051
)
Ben Zeng) **NOTICE OF ADMINISTRATIVE**
Seattle, Washington,) **CHARGES AND OPPORTUNITY**
) **FOR AN ADJUDICATIVE**
Licensee.) **PROCEEDING**
)
_____)

I.

The Washington State Gambling Commission issued Ben Zeng license number 68-19480, authorizing Card Room Employee activity, formerly at Golden Nugget Casino in Tukwila. The license, which expires on April 11, 2011, was issued subject to the licensee's compliance with state gambling laws and Commission rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230.

- 1) On November 4, 2010, Silver Dollar Casino notified a Commission Special Agent (agent) about a check for \$3,000 that Ben Zeng, who at the time worked at another card room, wrote to Silver Dollar Casino that was returned because his bank account was closed.
- 2) On December 1, 2010, the agent spoke with Mr. Zeng by telephone about the check he wrote to Silver Dollar Casino. Mr. Zeng told the agent that he has a gambling problem and Silver Dollar Casino should not have taken the check from him. He said the account was not closed when he wrote the checks, but he then closed the account because he knew there was no money in it.
- 3) On December 13, 2010, the agent learned from another agent that Ben Zeng wrote the following checks to other card rooms from the bank account that he closed:
 - On September 30, 2010, Mr. Zeng wrote three \$1,000 checks to Wizards Casino. All three checks were returned to Wizards Casino because the bank account had been closed.
 - On October 25, 2010, Mr. Zeng wrote a check for \$1,000 to Skyway Park Bowl Casino. That check was returned to the card room because the bank account had been closed.

The agent contacted the bank where Mr. Zeng's account was with and determined that Mr. Zeng had closed his bank account on October 4, 2010.

4) On December 13, 2010, the agent met with Ben Zeng. Mr. Zeng told the agent that he knew there was no money in his bank account when he wrote the \$3,000 check to Silver Dollar Casino. The agent asked Mr. Zeng when he closed his bank account. Mr. Zeng said he could not remember. When asked if he had written any other checks on the closed account, Mr. Zeng told the agent that he wrote three \$1,000 checks to Wizard's Casino as well as a \$1,000 check to Skyway Park Bowl Casino, on the same day he wrote the check to Silver Dollar Casino.

5) From September 30, 2010, through October 25, 2010, Ben Zeng wrote five checks totaling \$7,000 to three card rooms. All five of those checks were returned to the card rooms because Mr. Zeng admittedly closed his bank account. The licensee engaged in an act, practice or course of operation that defrauded Silver Dollar Casino, Wizard's Casino, and Skyway Park Bowl Casino, in violation of RCW 9.46.190.

6) Ben Zeng's conduct demonstrates that he poses a threat to the effective regulation of gaming and increases the likelihood of illegal practices. Mr. Zeng has failed to show by clear and convincing evidence that he is qualified for licensure, in violation of RCW 9.46.153(1). Grounds, therefore, exist to revoke Ben Zeng's license, pursuant to RCW 9.46.075(1) and (8) and WAC 230-03-085(1) and (8).

RCW 9.46.075 Denial, suspension, or revocation of license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

WAC 230-03-085 Denying, suspending, or revoking an license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.190 Violations relating to fraud or deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsection applies.)

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person.

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153(1) Applicants and licensees- Responsibilities and duties

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

Del E. Rick Jr
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me this 15 day of February 2011.

Michelle M Pardee
NOTARY PUBLIC in and for the State of Washington residing at WACBY
My Commission expires on 6/16/2013



CR 2011-00051

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 15 day of February, 2010

Mouzey Pretell

Communications and Legal Department
Washington State Gambling Commission